

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

APR 29 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2009-0329
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
CHEYENNE NATHANIEL BARBER,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CR200900585

Honorable Bradley M. Soos, Judge Pro Tempore

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

V Á S Q U E Z, Judge.

¶1 Following a jury trial, Cheyenne Barber was convicted of unlawful flight from a law enforcement vehicle. The trial court suspended the imposition of sentence and placed Barber on three years' probation. Barber appealed, and counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (1999), avowing she has reviewed the record on appeal, including transcripts of the proceedings below, and has found no arguable issues to raise. She asks this court to search the record for error.

¶2 Pursuant to our obligation under *Anders*, we have reviewed the entire record and found no error warranting reversal. Viewed in the light most favorable to sustaining the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Barber led an Arizona Department of Public Safety officer on a high-speed chase on Interstate 10 and into the town of Red Rock, after the officer had attempted to stop him for speeding. The officer testified that he had been in a fully marked patrol car and had activated his lights and siren. Barber looked over his shoulder at the officer twice before accelerating rapidly away. After Barber had finally been stopped, arrested, and read his constitutional rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), he made several statements to the officer, including that he had “no particular reason” for fleeing from the officer, that he believed some police departments will not pursue a vehicle for very long, and that he had reached a speed of approximately 200 miles per hour during the chase. Sufficient evidence therefore supports the jury’s verdict, and we find no error in the trial court’s imposition of probation. Barber’s conviction and probationary term are affirmed.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge